

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4227 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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HEIRS OF P B PATEL-

REVABEN P PATEL

Versus

STATE OF GUJARAT

Appearance:

Mrs Ketty A Mehta for Petitioners

Mr VM Pancholi, AGP, for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 23/06/1999

ORAL JUDGEMENT

Heard Mrs Ketty Mehta for the petitioner and Mr

V.M.Pancholi, learned AGP, for the respondents.

2 The petitioner has challenged the order passed by the State Government under Section 34 of the Urban Land (Ceiling & Regulation) Act, 1976. The authorities have not taken possession of the land in question from the petitioner which fact is not in dispute, since the notification under section 10(3) of the Act is not issued and since there was interim injunction against taking over the possession of the land.

3 The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March 1999, passed under Article 252(2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

4 The petition is accordingly disposed of as having abated. There shall be no order as to costs.

(M S SHAH, J.)

(mohd)